

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

KAAREN TEUBER; JIM K. BURG;
RICKY L. GRUNDEN;

Plaintiffs,

v.

STATE OF TEXAS; RICK PERRY, in his official capacity as Governor of the State of Texas; DAVID DEWHURST, in his official capacity as Lieutenant Governor and Presiding Officer of the Texas Senate; JOE STRAUS, in his official capacity as Speaker of the Texas House of Representatives; HOPE ANDRADE, in her official capacity as Secretary of State of the State of Texas; BOYDE RICHIE, in his official capacity as Chair of the Texas Democratic Party; STEVE MUNISTERI, in his official capacity as Chair of the Texas Republican Party; GARY LOCKE, in his official capacity as United States Secretary of Commerce; and ROBERT GROVES, in his official capacity as Director of the United States Bureau of the Census;

CIVIL ACTION NO.

4:11-CV-00059-RAS

Defendants.

PLAINTIFFS' FIRST SUPPLEMENT TO FIRST COMPLAINT (or First Amended Complaint) AND REQUEST FOR INJUNCTIVE AND DECLARATORY RELIEF, AND DESIGNATION OF A THREE-JUDGE COURT

TO THE HONORABLE COURT:

COME NOW Karen Teuber, Jim K. Burg, and Ricky L. Grunden ("Plaintiffs") and files this First Supplemental pleading. In support thereof, Plaintiffs respectfully show the

Court as follows:

I.
FIRST SUPPLEMENTAL PLEADING

1. The Texas Legislature, both the House and the Senate, have now adjourned *sine die*. Both the House and the Senate redistricting maps passed by each Chamber have yet to become law. If either or both maps become law, they will suffer, if at all, from the use of the same deficient population issues as described in Plaintiffs' Amended Complaint. If the use of the deficient population data is in fact defective, as is here alleged on information and belief, then the House and Senate maps are unconstitutional under both Section 2 and Section 5 of the Voting Rights Act, and the Texas and United States
2. The Texas Legislature did not pass a Congressional map. Thus, Texas is now operating under a map that produces 32 Congressional representatives when in fact Texas is entitled 36 Congressional representatives. Moreover, the current map is not equally balanced by population. These and other deficiencies violate Section 2 and Section 5 of the Voting Rights Act, and the Texas and United States Constitution. Therefore, the current Congressional map is unconstitutional on its face.

PRAYER

THEREFORE, Plaintiffs request that this Court award the relief requested in Plaintiffs' First Amended Original Complaint and for whatever other and further relief, both general and special, at law and in equity, to which they show themselves to be justly entitled.

Respectfully submitted,

HULL HENRICKS LLP
221 West 6th Street, Suite 960
Austin, Texas 78701-3407
512 472-4554 telephone
512 494-0022 facsimile

/s/ Michael S. Hull

Michael S. Hull
State Bar No. 10253400
mhull@hbm-llp.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that on June 7, 2011 the foregoing document was served on all parties or their counsel of record through the CM/ECF system:

Jose Garza
Law Office of Jose Garza
7414 Robin Rest Dr.
San Antonio, Texas 78209
Counsel for Intervenors Mexican American Legislative Caucus

David J. Schenck
Office of the Attorney General
PO Box 12548
Austin, Texas 78711
Counsel for Defendants State of Texas, Rick Perry, David Dewhurst, Joe Strauss, and Hope Andrade.

Chad W. Dunn
Texas Democratic Party
Brazil & Dunn
4201 FM 1960 West, Suite 530
Houston, Texas 77068
Counsel for Defendant Boyd Richie

/s/ Michael S. Hull

Michael S. Hull